

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DARIAN OWENS,

Case No. 3:21-cv-00307-MMD-CSD

Petitioner,

ORDER

v.

WILLIAM A. GITTERE, *et al.*,

Respondents.

This habeas matter is poised for merits review. Respondents omitted from their state-court record exhibits a copy of the Presentence Investigation Report ("PSI"). (See ECF No. 23-23.) See also Rules Governing Section 2254 Cases, Rule 7; *McDaniels v. Kirkland*, 813 F.3d 770, 773 (9th Cir. 2015) (holding federal habeas courts "may consider the entire state-court record . . ."); *Nasby v. McDaniel*, 853 F.3d 1049, 1052-54 (9th Cir. 2017) (remanding to the district court to consider the entire state court record). The PSI is "confidential and must not be made a part of any public record." NRS § 176.156(5). Under *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006), and its progeny, a compelling need to protect Petitioner's safety, privacy, and/or personal identifying information outweighs the public interest in open access to court records.

It is therefore ordered that Respondents have until December 16, 2024, to file, as a sealed exhibit, all Presentence Investigative Reports submitted for the state-court proceedings in this matter. It is further ordered that Petitioner will have 15 days after Respondents file the supplemental exhibit to admit or deny the correctness of that exhibit.

DATED THIS 26th Day of November 2024.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE